



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Mr. Bob Bouchard
Continuing Life Communities of Thousand Oaks
3721 Campus Drive
Thousand Oaks, CA 91360

WATER QUALITY CERTIFICATION FOR PROPOSED CONTINUING LIFE COMMUNITIES UNIVERSITY VILLAGE AT THOUSAND OAKS PROJECT (Corps' Project No. 2004-00728-JWM), UNNAMED STREAM AND TRIBUTARY TO ARROYO CONEJO, CITY OF THOUSAND OAKS, VENTURA COUNTY (File No. 04-024)

Dear Mr. Bouchard:

Regional Board staff has reviewed your request on behalf of the Continuing Life Communities of Thousand Oaks for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 4, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

[Original Signed by] _____
Jonathan Bishop
Executive Officer

October 27, 2004
Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption
For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Larry Lodwick
Impact Sciences, Inc.
30343 Canwood Street, Suite 210
Agoura Hills, CA 91301

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Natasha Lohmus
California Department of Fish and Game
Streambed Alteration Team
4949 View Ridge Avenue
San Diego, CA 92123

John Markham
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Aaron Setran (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, CA 93103

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

ATTACHMENT A

Project Information

File No. **04-024**

1. Applicant: Continuing Life Communities of Thousand Oaks
3721 Campus Drive
Thousand Oaks, CA 91360

Phone: (805) 492-5715 Fax: (805) 492-5737
2. Applicant's Agent: Larry Lodwick
Impact Sciences, Inc.
30343 Canwood Street, Suite 210
Agoura Hills, CA 91301

Phone: (818) 879-1100 Fax: (818) 879-1440
3. Project Name: Continuing Life Communities University Village at Thousand Oaks
4. Project Location: Thousand Oaks, Ventura County

Longitude: 118° 53' 2.32"; Latitude: 34° 13' 4.64"
 118° 53' 2.48" 34° 13' 29.46"
 118° 52' 45.72" 34° 13' 41.89"
 118° 52' 46.33" 34° 13' 31.95"
5. Type of Project: Health Care Facility
6. Project Description: *Purpose:*
The purpose of the proposed project is to create a retirement/health care facility, which includes the construction of one foot-crossing bridge and a roadway crossing.

Description:
The project development involves the construction and operation of a retirement/healthcare facility. The northern portion of the project site involves the construction of a foot-crossing/golf cart bridge, which is 11.25 feet wide and 135 feet in length. In the southern portion of the project site, a roadway is proposed. The road is approximately 35 feet wide, including a sidewalk and 225 feet in length. The construction of the road will impact approximately 0.053 acres of Army Corps jurisdiction. A culvert approximately 60

ATTACHMENT A

Project Information

File No. **04-024**

inches in diameter will be created under the roadway. Five NPDES basins will be created on the project site outside of waters of the U.S., with discharges adjacent to, but also outside of waters of the U.S. Project impacts under Regional Board jurisdiction consist of 0.075 acres of permanent impacts and 0.013 acres of temporary impacts. Impacts under Department of Fish and Game jurisdiction consist of 0.65 acres and 1.40 acres of permanent and temporary impacts; respectively. Compensatory mitigation ratios shall be provided for impacts according to Department of Fish and Game requirements.

Avoidance:

The project was developed in a manner which would minimize or avoid the riparian stream corridor through the property. The impacts from the proposed project consist of three crossings and the other structures proposed are located away from the riparian areas. To minimize impacts to the streambed, a bottom less culvert will be placed across one of the three stream crossings. Additionally, a utility road and circular pipe culvert will be removed in order to recreate and restore a stream bottom and bank.

The project site is approximately 64 acres. Continuing Life communities has planned to develop approximately 38 of the 64 acres within the property. The development has been incorporated around the 14 acres of southern willow riparian/mulefat scrub/coyote brush and 9.5 acres of coastal sage scrub/cactus scrub plant communities. Also, 5 acres have been donated to the Conejo Valley Open Space Conservation Agency (COSCA). In total, left approximately 40 percent of the project site as open space for preservation, restoration and/or enhancement.

- | | |
|--|--|
| 7. Federal
Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 14 (Permit No. 2004-00728-JWM) |
| 8. Other Required
Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |

ATTACHMENT A

Project Information

File No. **04-024**

- | | |
|--|---|
| 9. California Environmental Quality Act (CEQA) Compliance: | The City of Thousand Oaks approved the project's Final Environmental Impact Report (EIR No. 310, SCH No. 2003061127) on December 11, 2003. |
| 10. Receiving Water: | Unnamed stream and tributary to Arroyo Conejo (Hydrologic Unit No. 403.64) |
| 11. Designated Beneficial Uses: | MUN*, GWR, FRSH, REC-1, REC-2, WILD, RARE

* Conditional beneficial use |
| 12. Impacted Waters of the United States: | Non-wetland waters (streambed): 0.075 permanent and 1.40 temporary acres |
| 13. Dredge Volume: | None |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• Stabilizing denuded areas as soon as possible with seeding, mulching, or other effective methods;• Protecting adjacent properties with landscaped buffer strips, sediment barriers, or other effective methods;• Delineating clearing limits, easements, setbacks, sensitive areas, vegetation, and drainage courses by marking them in the field;• Stabilizing and preventing erosion from temporary conveyance channels and outlets; |

ATTACHMENT A

Project Information

File No. 04-024

- Using sediment controls and filtration to remove sediment from water generated by dewatering or collected on site during construction;
- Scheduling grading for the dry season if possible;
- Designating specific areas of the site, away from streams or storm drain inlets, for storage, preparation, and disposal of building materials, chemical products, and wastes;
- Storing stockpiled materials and wastes under a roof of plastic sheeting;
- Storing containers of paint, chemicals, solvents, and other hazardous materials stored in containers of paint, chemicals, solvents, and other hazardous materials stored in containers under cover during rainy periods;
- Berming around storage areas to prevent contact with runoff;
- Covering open dumpsters securely with plastic sheeting, a tarp, or other cover during rainy periods; and
- Designating specific areas of the site, away from streams and storm drain inlets, for auto and equipment parking and for routine vehicle and equipment maintenance.

16. Required Compensatory Mitigation:

The Applicant has proposed provide a total of 7.45 acres of compensatory mitigation on-site for project impacts. According to California Department of Fish & Game requirements, impacts will be mitigated at a ratio of 5:1 and 3:1 for permanent (0.65 acres) and temporary impacts (1.40 acres), respectively. Mitigation will consist of on-site enhancement of wetland riparian and upland buffer areas.

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 04-024

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

ATTACHMENT B

Conditions of Certification File No. 04-024

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the State.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

ATTACHMENT B

Conditions of Certification File No. 04-024

11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
13. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **1.40 acres** within Department of Fish and Game jurisdiction by creating or restoring riparian habitat at a minimum **3:1** area replacement ratio (**4.20 acres**). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts of **0.65 acres** within Department of Fish and Game jurisdiction by creating or restoring riparian habitat at a minimum **5:1** area replacement ratio (**3.25 acres**). The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.
14. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.

ATTACHMENT B

Conditions of Certification File No. 04-024

15. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format;
 - (f) A certified Statement of “no net loss” of wetlands associated with this project;
 - (g) Discussion of any monitoring activities and exotic plant control efforts; and
 - (h) A certified Statement from the permittee or his/her representative that all conditions of this Certification have been met.
16. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
 - (b) For a partnership, by a general partner.
 - (c) For a sole proprietorship, by the proprietor.
 - (d) For a municipal, State, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

Conditions of Certification
File No. 04-024

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

____ (Signature)
____ (Title)''

- 5 of 6

ATTACHMENT B

Conditions of Certification File No. 04-024

22. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
23. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
24. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.